

Via ECF

May 10, 2021

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

USDC SDNY
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Re: *Fernandez v. City of New York et al 21-cv-680 ALC*


MEMO ENDORSED

Dear Judge Carter:

This is a joint letter of behalf of P. Jenny Marashi, attorney for plaintiffs in the above captioned matter, and also Katherine Weall, senior counsel for NYC Law Department and attorney for the defendants City of New York, and individually named Defendants NYPD Officer Lorenzo-Rivera, and ACS Lugo. The parties write to request this case be designated as a Local Civil Rule 83.10 case (Formerly the Section 1983 Plan, hereinafter "LCR 83.10"). The case was not automatically designated as such by the SDNY Case Openings because of the inclusion of an Administration for Children's Services ("ACS") named Defendant. However, the parties are ready to proceed under LCR 83.10 and engage in limited discovery and mediation in an attempt at early resolution of the case. Accordingly, defendants and plaintiffs believe that the General Pretrial conference (Ordered on May 6, DKT #10) should be adjourned until after the parties have had an opportunity to fully participate in the proceedings as proscribed by LCR 83.10.

It is counsels' past experience and agreement that a reading of LCR 83.10 would permit for this case to proceed accordingly as there are allegations of false arrest against the NYPD. LCR 83.10 states, "Unless otherwise ordered, in civil cases filed by a represented plaintiff against the City of New York ("City") and/or the New York City Police Department ("NYPD") or its employees alleging the use of excessive force, false arrest, or malicious prosecution by employees of the NYPD in violation of 42 U.S.C. § 1983, the procedures set forth below shall apply..."

In light of the foregoing, the parties respectfully request that your Honor designate this case as participating in the in the Southern District of New York's Local Civil Rule 83.10, and any assignment to Magistrate Judge Wang for the purpose of General Pretrial be adjourned until sometime after the parties have participated in limited discovery and mediation under LCR 83.10. Thank you for your consideration.

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

May 11, 2021

The Clerk of Court shall designate this case
under Local Civil Rule 83.10.